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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,989	08/24/2001	Keiko Tsuganezawa	P20637	1288

7055 7590 02/05/2004

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EXAMINER	
ROMEO, DAVID S	

ART UNIT	PAPER NUMBER
1647	

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/744,989	TSUGANEZAWA, KEIKO	
	Examiner	Art Unit	
	David S Romeo	1647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) *4 and 9-11* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *0106,0201,0206*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The preliminary amendment filed 08/24/2001 has been entered. Claims 1-11 are pending.

Applicant's election with traverse of group I, claims 1-3, 5-8, to the extent that they are drawn to a polypeptide comprising an amino acid sequence at least 95% identical to the amino acid sequence of SEQ ID NO: 1, in the paper filed 10/23/2003 is acknowledged. The traversal is on the ground(s) that the claims have unity of invention because the claimed sequences are analogous to claims directed to a process adapted for the manufacture of the claimed polypeptide of groups I-III; that the requirement does not indicate how claim 1 is considered to be anticipated or obvious; that the examiner cannot simply rely on an international search report to prove unpatentability, and, therefore, the restriction requirement is without appropriate basis; and, finally, that there is no undue burden to examine each of Applicant's claims. This is not found persuasive because in order for the inventions of groups I-IX to have unity of invention it is necessary that the inventive concept be a contribution over the prior art. However, the international search report filed with the present application indicates that groups I-IX cannot be considered novel or cannot be considered to involve an inventive concept. Therefore, the inventions of groups I and II do not fulfill the requirements for unity of invention. Moreover, polynucleotides, polypeptides, and antibodies do not share a common structural feature and each functions dissimilarly. The examiner is not relying at all upon the international search report to prove unpatentability. Rather the examiner relies upon the international search report for the purposes of determining unity of invention. The international search

report indicates that the inventive concept does not make a contribution over the prior art. Applicant has offered no evidence to rebut this conclusion. Finally, restriction was required under 35 U.S.C. 121 and 372, and search burden is not germane to a restriction under these circumstances.

The requirement is still deemed proper and is therefore made FINAL.

Claims 4, 9-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Claims 1-3, 5-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), to the extent that they are drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the paper filed 10/23/2003.

Claims 1-3, 5-8 are being examined only to the extent they read upon a polypeptide comprising an amino acid sequence at least 95% identical to the amino acid sequence of SEQ ID NO: 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirai (JP06293800, cited by Applicants).

Hirai discloses human epimorphin protein isoform A. Human epimorphin protein isoform A is a protein having 95% or more homology to amino acids 1-262 of the present application's SEQ ID NO: 1, as indicated below:

```
AAR66477
ID   AAR66477 standard; Protein; 287 AA.
XX
AC   AAR66477;
XX
DT   10-AUG-1995  (first entry)
XX
DE   Human epimorphine protein isoform A.
XX
KW   Probe; epimorphine; human; mouse; lambda-gt11; expression library;
KW   monoclonal antibody; isoform; drug; congenital; acquired; E.coli;
KW   epidermal abnormality.
XX
OS   Homo sapiens.
XX
FH   Key             Location/Qualifiers
FT   Domain          264..287
FT                   /note= "sequence variance in isoform A"
XX
PN   JP06293800-A.
XX
PD   21-OCT-1994.
XX
PF   15-OCT-1992;   92JP-0301581.
XX
PR   15-OCT-1992;   92JP-0301581.
XX
PA   (BIOM-) BIOMATERIAL KENKYUSHO KK.
XX
DR   WPI; 1995-009638/02.
DR   N-PSDB; AAQ75245.
XX
PT   Human or murine epimorphine - useful for development of drugs to
PT   treat congenital and acquired epidermal form abnormality
XX
PS   Claim 7; Page 3; 41pp; Japanese.
XX
CC   The amino acid sequence of the human epimorphine isoform A.  The DNA
CC   sequence was isolated using a probe (AAQ75243) derived from the mouse
CC   epimorphin gene sequence (AAQ75247).  The mouse epimorphine gene
CC   (AAQ75247) was isolated from a lambda-gt11 expression cDNA library using
CC   a monoclonal antibody raised against mouse epimorphine.  The mouse gene
CC   sequence was used to isolate isoforms of the mouse gene (AAQ75248-9) and
CC   the gene encoding human epimorphine (AAQ75244) and isoforms
CC   (AAQ75245-6). The genes were cloned into expression systems for the
CC   production of the protein in E.coli and in animal cells.  The epimorphine
CC   can be used in the development of drugs to treat both congenital and
CC   acquired epidermal form abnormality.
XX
SQ   Sequence   287 AA;

  Query Match            95.7%;  Score 1263;  DB 16;  Length 287;
  Best Local Similarity  95.0%;  Pred. No. 3.3e-95;
  Matches  249;  Conservative    4;  Mismatches    9;  Indels    0;  Gaps    0;

Qy          1 MRDRLPDLTACRKNDDGDTTVVVEKDHFMDDFFHQVEEIRNSIAKIAQYVEEVKKNHSII 60
              |||||||||||||||||| |||||||||||||||||||||| || ||||||||||||
Db          1 MRDRLPDLTACRKNDDGDTVVVVEKDHFMDDFFHQVEEIRNSIDKITQYVEEVKKNHSII 60

Qy         61 LSAPNPEGKIKEELEDLNKEIKKTANKIRTKLKSIEQSFDQDEGGNRTSVELRIRRTQHS 120
              |||||||||||||||||||||||||||| |||:|||||||||| ||||||:|||||||||
Db         61 LSAPNPEGKIKEELEDLNKEIKKTANKIRAKLKAIEQSFDQDESGNRTSVDLRIRRTQHS 120

Qy        121 VLSRKFVEVMTEYNEAQTLFRERSKGRIQRQLEITGKTTTDDELEEMLESGNPSIFTSDI 180
              |||||||| | ||||||||||||||||||||||||:|||||||||||||| ||||||||
Db        121 VLSRKFVEAMAEYNEAQTLFRERSKGRIQRQLEITGRTTTDDELEEMLESGKPSIFTSDI 180

Qy        181 ISDSQITRQALNEIESRHKDIMKLETSIRELHEMFMDMAMFVETQGEMINNIEKNVMNAA 240
              |||||||||||||||||||||||||||||||||||||||||||||||||||||:|||||
Db        181 ISDSQITRQALNEIESRHKDIMKLETSIRELHEMFMDMAMFVETQGEMINNIERNVMNAT 240

Qy        241 DYVEHAKEETKKAIKYQSKARR 262
              ||||||||||||||||||||||
Db        241 DYVEHAKEETKKAIKYQSKARR 262.
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The term "protein in which one or more amino acids are substituted, deleted, and/or added in ... the 1st to 262nd amino acids of ... SEQ ID NO: 1 ..., which has 95% or more homology to the ... 1st to 262nd amino acids of ... SEQ ID NO: 1" (claim 6) has been interpreted by the examiner to mean a protein comprising amino acids 1-262 of SEQ ID NO: 1, wherein one or more amino acids are substituted, deleted, and/or added, wherein the protein has 95% or more homology to amino acids 1-262 of SEQ ID NO: 1.

Human epimorphin protein isoform A is a protein having the amino acid sequence set forth in amino acids 1-262 of SEQ ID NO: 1, wherein one or more amino acids are substituted, wherein the protein has 95% or more homology to amino acids 1-262 of SEQ ID NO: 1, as indicated above.

Any and/or all single amino acids or contiguous fragments of amino acids 1-262 of SEQ ID NO: 1 are amino acids 1-262 of SEQ ID NO: 1, wherein one or more amino acids are deleted, because there are no limits on the number of amino acids deleted. Accordingly, the structure of the claimed polypeptide encompasses any and/or all polypeptides comprising any and/or all single amino acids or contiguous fragments of amino acids 1-262 of SEQ ID NO: 1. Accordingly, human epimorphin protein isoform A is a protein having the amino acid sequence set forth in amino acids 1-262 of SEQ ID NO: 1, wherein one or more amino acids are deleted, wherein the protein has 95% or more homology to amino acids 1-262 of SEQ ID NO: 1. It follows then that human epimorphin protein isoform A is a protein having the amino acid sequence set forth in amino acids 1-262 of SEQ ID NO: 1, wherein one or more amino acids are deleted and added, wherein the protein has 95% or more homology to amino acids 1-262 of SEQ ID NO: 1.

Human epimorphin protein isoform A is a protein having the amino acid sequence set forth in SEQ ID NO: 1, wherein one or more amino acids are substituted, as indicated below:

```
AAR66477
ID   AAR66477 standard; Protein; 287 AA.
XX
AC   AAR66477;
XX
DT   10-AUG-1995  (first entry)
XX
DE   Human epimorphine protein isoform A.
XX
KW   Probe; epimorphine; human; mouse; lambda-gt11; expression library;
KW   monoclonal antibody; isoform; drug; congenital; acquired; E.coli;
KW   epidermal abnormality.
XX
OS   Homo sapiens.
XX
FH   Key             Location/Qualifiers
FT   Domain          264..287
FT                   /note= "sequence variance in isoform A"
XX
PN   JP06293800-A.
XX
PD   21-OCT-1994.
XX
PF   15-OCT-1992;   92JP-0301581.
XX
PR   15-OCT-1992;   92JP-0301581.
XX
PA   (BIOM-) BIOMATERIAL KENKYUSHO KK.
XX
DR   WPI; 1995-009638/02.
DR   N-PSDB; AAQ75245.
XX
PT   Human or murine epimorphine - useful for development of drugs to
PT   treat congenital and acquired epidermal form abnormality
XX
PS   Claim 7; Page 3; 41pp; Japanese.
XX
CC   The amino acid sequence of the human epimorphine isoform A.  The DNA
CC   sequence was isolated using a probe (AAQ75243) derived from the mouse
CC   epimorphin gene sequence (AAQ75247).  The mouse epimorphine gene
CC   (AAQ75247) was isolated from a lambda-gt11 expression cDNA library using
CC   a monoclonal antibody raised against mouse epimorphine.  The mouse gene
CC   sequence was used to isolate isoforms of the mouse gene (AAQ75248-9) and
CC   the gene encoding human epimorphine (AAQ75244) and isoforms
CC   (AAQ75245-6). The genes were cloned into expression systems for the
CC   production of the protein in E.coli and in animal cells.  The epimorphine
CC   can be used in the development of drugs to treat both congenital and
CC   acquired epidermal form abnormality.
XX
SQ   Sequence   287 AA;

  Query Match             95.7%;  Score 1372;  DB 16;  Length 287;
  Best Local Similarity   94.4%;  Pred. No. 8.5e-103;
  Matches  271;  Conservative    7;  Mismatches    9;  Indels    0;  Gaps    0;

Qy          1 MRDRLPDLTACRKNDDGDTTVVVEKDHFMDDFFHQVEEIRNSIAKIAQYVEEVKKNHSII 60
              ||||||||||||||||||| |||||||||||||||||||| || ||||||||||||
Db          1 MRDRLPDLTACRKNDDGDTVVVVEKDHFMDDFFHQVEEIRNSIDKITQYVEEVKKNHSII 60

Qy         61 LSAPNPEGKIKEELEDLNKEIKKTANKIRTKLKSIEQSFDQDEGGNRTSVELRIRRTQHS 120
              |||||||||||||||||||||||||||| |||:||||||||| ||||||:|||||||||
Db         61 LSAPNPEGKIKEELEDLNKEIKKTANKIRAKLKAIEQSFDQDESGNRTSVDLRIRRTQHS 120

Qy        121 VLSRKFVEVMTEYNEAQTLFRERSKGRIQRQLEITGKTTTDDELEEMLESGNPSIFTSDI 180
              |||||||| | ||||||||||||||||||||||:|||||||||||||| ||||||||
Db        121 VLSRKFVEAMAEYNEAQTLFRERSKGRIQRQLEITGRTTTDDELEEMLESGKPSIFTSDI 180

Qy        181 ISDSQITRQALNEIESRHKDIMKLETSIRELHEMFMDMAMFVETQGEMINNIEKNVMNAA 240
              ||||||||||||||||||||||||||||||||||||||||||||||||||||:|||||
Db        181 ISDSQITRQALNEIESRHKDIMKLETSIRELHEMFMDMAMFVETQGEMINNIERNVMNAT 240

Qy        241 DYVEHAKEETKKAIKYQSKARRKMMFIIICVVILLVILGIILATTLS 287
              |||||||||||||||||||:|||||||::|||||||||||||||
Db        241 DYVEHAKEETKKAIKYQSKARRKLMFIIICVIVLLVILGIILATTLS 287.
```

The transitional term "having" is synonymous with "comprising." Any and/or all single amino acids or contiguous fragments of SEQ ID NO: 1 are SEQ ID NO: 1, wherein one or more amino acids are deleted, because there are no limits on the number of amino acids deleted. Accordingly, the structure of the claimed polypeptide encompasses any and/or all polypeptides comprising any and/or all single amino acids or contiguous fragments of SEQ ID NO: 1. Accordingly, human epimorphin protein isoform A is a protein having the amino acid sequence set forth in SEQ ID NO: 1, wherein one or more amino acids are deleted.

Products of identical chemical composition cannot have mutually exclusive properties. A chemical composition and its properties are inseparable. Therefore, the properties applicant discloses and/or claims, i.e., "inducing differentiation ... structure" or "promoting hair growth," are necessarily present in human epimorphin protein isoform A.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2, 5, 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 5, 7 are directed to or encompass a genus of compounds comprising the amino acid sequence of SEQ ID NO: 1, SEQ ID NO: 3, or SEQ ID NO: 5, wherein one or more amino acids substituted, deleted, or added. There are no limitations on the number of amino acids substituted. The transitional term "having" is synonymous with "comprising." Any and/or all single amino acids or contiguous fragments of SEQ ID NO: 1, SEQ ID NO: 3, or SEQ ID NO: 5 are SEQ ID NO: 1, SEQ ID NO: 3, or SEQ ID NO: 5, wherein one or more amino acids are deleted, because there are no limits on the number of amino acids deleted. Accordingly, the structure of the claimed polypeptide encompasses any and/or all polypeptides comprising any and/or all single amino acids or contiguous fragments of SEQ ID NO: 1, SEQ ID NO: 3, or SEQ ID NO: 5. The specification and claim do not indicate what distinguishing attributes shared by the members of the genus. The specification and claim do not place any limit on the number of amino acid substitutions, deletions, insertions and/or additions that may be made to SEQ ID NO: 1, SEQ ID NO: 3, or SEQ ID NO: 5. Thus, the scope of the claim includes numerous structural variants, and the genus is highly variant because a significant number of structural differences between genus members is permitted. The specification and claim do not provide any guidance as to what changes should be made. Structural features that could distinguish compounds in the genus from others in the protein class are missing from the disclosure. No common structural attributes identify the members of the genus. The general knowledge and level of skill in the art do not supplement the omitted description because specific, not general, guidance is what is needed. Since the disclosure fails to describe the common attributes or characteristics that identify members of the genus, and because the genus is highly variant, SEQ ID NO: 1, SEQ ID NO: 3, or

SEQ ID NO: 5 alone are insufficient to describe the genus. One of skill in the art would reasonably conclude that the disclosure fails to provide a representative number of species to describe the genus. Thus, applicant was not in possession of the claimed genus.

Claim 2 is drawn to polypeptides having at least 95% homology with SEQ ID NO: 1, SEQ ID NO: 3, or SEQ ID NO: 5. The claims do not require that the polypeptide possess any particular biological activity, nor any particular conserved structure, or other disclosed distinguishing feature. Thus, the claims are drawn to a genus of polypeptides that is defined only by sequence identity.

To provide adequate written description and evidence of possession of a claimed genus, the specification must provide sufficient distinguishing identifying characteristics of the genus. The factors to be considered include disclosure of compete or partial structure, physical and/or chemical properties, functional characteristics, structure/function correlation, methods of making the claimed product, or any combination thereof. In this case, the only factor present in the claim is a partial structure in the form of a recitation of percent homology. There is not even identification of any particular portion of the structure that must be conserved. Accordingly, in the absence of sufficient recitation of distinguishing identifying characteristics, the specification does not provide adequate written description of the claimed genus.

Vas-Cath Inc. v. Mahurkar, 19USPQ2d 1111, clearly states "applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention. The invention is, for purposes of the 'written description' inquiry, whatever is now claimed." (See page 1117.) The specification does

not "clearly allow persons of ordinary skill in the art to recognize that [he or she] invented what is claimed." (See Vas-Cath at page 1116). As discussed above, the skilled artisan cannot envision the detailed chemical structure of the encompassed genus of polypeptides, and therefore conception is not achieved until reduction to practice has occurred, regardless of the complexity or simplicity of the method of isolation. Adequate written description requires more than a mere statement that it is part of the invention and reference to a potential method of isolating it. The compound itself is required. See Fiers v. Revel, 25 USPQ2d 1601 at 1606 (CAFC 1993) and Amgen Inc. v. Chugai Pharmaceutical Co. Ltd., 18 USPQ2d 1016.

One cannot describe what one has not conceived. See Fiddes v. Baird, 30 USPQ2d 1481 at 1483. In Fiddes, claims directed to mammalian FGF's were found to be unpatentable due to lack of written description for that broad class. The specification provided only the bovine sequence.

Therefore, only isolated polypeptides comprising the amino acid sequence set forth in SEQ ID NO: 1, SEQ ID NO: 3, or SEQ ID NO: 5, but not the full breadth of the claim meets the written description provision of 35 U.S.C. §112, first paragraph. Applicant is reminded that Vas-Cath makes clear that the written description provision of 35 U.S.C. §112 is severable from its enablement provision (see page 1115).

The following claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 8 are indefinite over the recitation of "one or more amino acids are substituted, deleted, and/or added" because it is unclear if:

1. substituted and deleted and added; and
2. substituted or deleted or added

are intended, or if:

3. substituted and deleted and added;
4. substituted and deleted or added;
5. substituted or deleted and added; and
6. substituted or deleted or added

are intended. The metes and bounds are not clearly set forth.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3, 5-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-6, as written, do not sufficiently distinguish over proteins as they exist naturally because the claims do not particularly point out any non-naturally occurring differences between the claimed products and the naturally occurring products. In the absence of the hand of man, the naturally occurring products are considered non-statutory subject matter. See Diamond v. Chakrabarty, 447 U.S. 303, 206 USPQ 193 (1980). The claims should be amended to indicate the hand of the inventor, e.g., by insertion of "Isolated" or 'Purified." See MPEP 2105.

Specification

The amendment filed 08/24/2001 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In the sequence listing originally filed with the present application amino acid number 68 in SEQ ID NO: 5 is "Gly." In the sequence listing filed 08/24/2001 amino acid number 68 in SEQ ID NO: 5 is "Glu," which is not supported by the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Conclusion

No claims are allowable.

ANY INQUIRY CONCERNING THIS COMMUNICATION OR EARLIER COMMUNICATIONS FROM THE EXAMINER SHOULD BE DIRECTED TO DAVID S. ROMEO WHOSE TELEPHONE NUMBER IS (571) 272-0890. THE EXAMINER CAN NORMALLY BE REACHED ON MONDAY THROUGH FRIDAY FROM 7:30 A.M. TO 4:00 P.M. IF ATTEMPTS TO REACH THE EXAMINER BY TELEPHONE ARE UNSUCCESSFUL, THE EXAMINER'S SUPERVISOR, GARY KUNZ, CAN BE REACHED ON (571) 272-0887.

IF SUBMITTING OFFICIAL CORRESPONDENCE BY FAX, APPLICANTS ARE ENCOURAGED TO SUBMIT OFFICIAL CORRESPONDENCE TO THE FOLLOWING TC 1600 BEFORE AND AFTER FINAL RIGHTFAX NUMBERS:

BEFORE FINAL (703) 872-9306
AFTER FINAL (703) 872-9307

CUSTOMERS ARE ALSO ADVISED TO USE CERTIFICATE OF FACSIMILE PROCEDURES WHEN SUBMITTING A REPLY TO A NON-FINAL OR FINAL OFFICE ACTION BY FACSIMILE (SEE 37 CFR 1.6 AND 1.8).

FAXED DRAFT OR INFORMAL COMMUNICATIONS SHOULD BE DIRECTED TO THE EXAMINER AT (571) 273-0891.

ANY INQUIRY OF A GENERAL NATURE OR RELATING TO THE STATUS OF THIS APPLICATION OR PROCEEDING SHOULD BE DIRECTED TO THE GROUP RECEPTIONIST WHOSE TELEPHONE NUMBER IS (703) 308-0196.

David Romeo

DAVID ROMEO
PRIMARY EXAMINER
ART UNIT 1647

DSR
FEBRUARY 2, 2004